

EXHIBIT A

R'D O N N A N C E

Copie Certifiée Conforme
 à l'original par
 Maître JOACHIM MITOLO
 Avocat à la Cour
 8, P. 138
 A HEURE TEL. 24-25-26

EXHIBIT A



SUR QUOI, NOUS JUGES DES REFÈRES

Attendu qu'il résulte de l'examen des pièces du dossier que la société NOMECC a fait application d'un jugement américain rendu dans l'Etat du Texas en date du 17 Septembre 2004 à l'encontre de l'Etat Congolais ;

Attendu que ledit jugement n'a jamais été exécuté par les juridictions congolaises ;

Que dans ces conditions, ledit jugement ne satisfait aux dispositions légales notamment l'article 299 du code de procédure civile, commerciale, administrative et financière Congolais qui dispose que "sauf conventions diplomatiques contraires, les jugements rendus par les Tribunaux étrangers et les actes reçus par les officiers publics ou ministériels étrangers ne sont susceptibles d'exécution sur le territoire congolais qu'après avoir été déclarés exécutoires par une juridiction congolaise qui aurait été compétente "ratione materiae" pour en connaître ;

Attendu dès lors que la requête de l'Etat Congolais est donc régulière et recevable en outre de l'article 207 du code de Procédure civile, commerciale, administrative et financière ;

Attendu au fond qu'elle est fondée ;

Qu'il y a lieu d'y faire droit ;

Qu'il échet d'ordonner à la société NOMECC à livrer sans délais à tout opérateur que lui désignera la SNFO toutes les quantités d'hydrocarbures lui appartenant et détenues par elle en vertu de leur contrat de partenariat ;

Attendu que la société NOMECC régulièrement convoquée a comparu par le biais du représentant du Directeur Général, Monsieur Benoit DE LA FOUCHARDIERE, Directeur des opérations ;

Qu'il y a lieu de lui donner acte ;

Attendu que la société NOMECC a succombé au procès ;

Qu'il y a lieu de mettre les dépens à sa charge conformément à l'article 57 du code de procédure civile, commerciale administrative et financière ;

PAR CES MOTIFS

Statuant publiquement, contradictoirement, en référé en matière civile, en premier ressort ;

AU PRINCIPAL

Renvoyons les parties à mieux se pourvoir ainsi qu'elles en enviseront ;

MAIS DES A PRESENT, VU L'URGENCE ET PAR PROVISION

Constatons que le jugement du 17 Septembre 2004 n'est pas été encore exécuté par les juridictions congolaises ;

Constatons que ledit jugement n'a jamais été signifié à l'Etat Congolais ;

.../...



Copie conforme
à l'original par
Monsieur JOACHIM MITOLO
Ministre de Justice
B.P. 154 TR. 84-85-28

EN CONSENTEMENT ;

Ordonnons à la société NOMESCO de livrer sans délais
tout opérateur que lui désignera la SHFC, toutes les quantités
d'hydrocarbures lui appartenant et détenue par elle en vertu de leur
contrat de partenariat ;

Ordonnons l'exécution provisoire de la présente ordonnance nonobstant toutes voies de recours ;

Mettons les dépens à la charge de la Société NOMESCO

Et, avons signé notre Ordonnance avec le Greffier./-

Avant les signatures des parties :
du Président et du Greffier
Sont le Ministère d'Enregistrement
Enregistré à PONTE-NOIRE le 28 Décembre 2004
Pour expédition conforme, certifiée conforme.
PONTE-NOIRE le 28 Décembre 2004

1. Greffier en Chef

En conséquence : la République du Congo
mande et ordonne à tous Justiciers sur ce
régis de rendre leur jugement à exécution
aux Procureurs Généraux et aux Procureurs
de la République près les Cours et Tribunaux
de Grande Instance d'y tenir la main à tous
Commandants et officiers de la force publique
de prêter main forte lorsqu'ils en seront
légalement requis

Et foi de quoi la présente expédition
a été signée et scellée par Monsieur le
Greffier en Chef du Tribunal de Grande
Instance de PONTE-NOIRE et par lui
affirmée sous forme de grosse

Par le Tribunal
Collationné
Le Greffier en Chef

Me R. KOUD-OKOUO
Greffier en Chef



Certification of Translation

ATA Certified
Steven Sachs

This is to certify that the following document:

Court Order in the matter of Republic of the Congo v. CMS NOMECA INC. CONGO

is an accurate and true translation prepared by the undersigned from French into English. I am a translator certified by the American Translators Association for translation from French into English.

Steven Sachs
1312 Harbor Road
Annapolis, MD 21403

e-mail: steven@steven Sachs.com
Ph: (301) 261-1016
Fax: (509) 461-9020

1-10-05
Date

Subscribed and sworn before me on this 10th day of January of 2005

Notary Public
for the State of Maryland
My Commission Expires 9/18/2008

Notary Public
NOTARY PUBLIC

MY COMMISSION EXPIRES 9/18/2008

EXECUTION COPY

REPUBLIC OF THE CONGO ON BEHALF OF THE CONGOLESE PEOPLE

REGISTER No. 1131 /
OF DECEMBER 28, 2004

O R D E R

IN THE MATTER OF:

THE REPUBLIC OF THE CONGO

**MINISTRY OF HYDROCARBONS, Department of
Kouilou (Mr. Messie, Attorney)**

VERSUS:

CMS NOMEKO INC. CONGO

SUBJECT: IMMEDIATE SUMMONS

**[stamp: EXECUTION COPY
Certified True Copy
Joachim Mitolo, Attorney at Law
B.P. 1384 [Tel. 94 83 28]**

**[stamp: EXECUTION COPY
Certified True Copy
Joachim Mitolo, Attorney at Law
B.P. [Tel. 94 83 28] [signature]**

IN THE YEAR TWO THOUSAND AND FOUR:

AND ON THE TWENTY-EIGHTH DAY OF THE MONTH OF DECEMBER;

BEFORE US, Norbert Elanga, Presiding Judge of the Pointe-Noire Court of First Instance, holding an urgent public hearing in our Chambers in the Courthouse of said city;

THE FOLLOWING APPEARED

The Republic of the Congo, Ministry of Hydrocarbons, filing through its legal representative;

Whereas it has been garnished by the American obligees of the Congolese State, NOMEKO, which was to deliver to it a cargo of 550,000 barrels of oil, and refuses to do so on the grounds that said cargo has been garnished based on the decision of the Court of the State of Texas of September 17, 2004, making possible the garnishment of said cargo;

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Certified True Copy
Joaquim Mitolo, Attorney at Law
B.P. 1384 [Tel. 94 83 28] [signature]

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[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

Yet a court decision handed down by a foreign jurisdiction, even when the obligor renounced its immunity from jurisdiction and execution, cannot be automatically executed abroad and that, to be executed, it is necessarily subject to an execution procedure as stipulated by Article 299 of the Code of Civil, Commercial, Administrative and Financial Procedure, according to which: "Unless there are diplomatic conventions that stipulate otherwise, judgments handed down by foreign courts and official instruments by foreign public or ministerial officers may not be executed in the Congo until they have been declared enforceable by a Congolese jurisdiction that has *ratione materiae* jurisdiction to take cognizance thereof;"

That in this case and with no necessity of debating the merits or the lack thereof of the action to garnish by the U.S. obligees, there is reason to find that the decision that NOMECO is using as a basis has never been executed. Worse, the Congolese courts have not yet received an application for authority to enforce this judgment;

That therefore, the matter of removing the cargo in the possession of NOMECO is urgent and entails a certain peril, so that it should be made enforceable immediately that NOMECO delivers said cargo to any operator that the SNPC [Société nationale des pétroles du Congo – Congo National Petroleum Company] may designate;

BASED UPON WHICH, WE, THE JUDGE FOR URGENT MATTERS

Whereas the examination of the exhibits in the file shows that NOMECO has applied a U.S. judgment handed down in the State of Texas on September 17, 2004 against the Congolese State;

Whereas said judgment has never been executed by the Congolese jurisdictions;

That under these conditions, said judgment does not satisfy the statutory provisions of Article 299 in particular of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, which stipulates that "unless there are diplomatic conventions that stipulate otherwise, the judgments handed down by foreign courts and instruments received by foreign public or ministerial officers may not be executed in the Congo until they have been declared enforceable by a Congolese jurisdiction that was given *ratione materiae* jurisdiction to take cognizance of the matter;

Whereas since the application of the Congolese State is thus in order and admissible under Article 207 of the Code of Civil, Commercial, Administrative and Financial Procedure;

Whereas it has merit in terms of the substance;

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Joachim Mitolo, Attorney at Law
B.P. 1384 [Tel. 94 83 28] [signature]

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[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

That there is reason to accept it;

That NOMECO is ordered to deliver without delay to any operator that the SNPC designates all quantities of hydrocarbons that belong to it and that are in NOMECO's possession pursuant to their partnership contract;

Whereas NOMECO, duly convened, has appeared through the representative of the Director General, Mr. Benoît de la Fouchardière, Operations Manager;

It is to be officially recorded;

Whereas NOMECO has lost the case;

That there is reason to hold NOMECO responsible for the costs in accordance with Article 57 of the Code of Civil, Commercial, Administrative and Financial Procedure;

NOW THEREFORE

Ruling in public based on the arguments of both parties on an urgent basis in a civil matter in the first instance;

ON THE MERITS

We refer the parties to enter an appeal as they shall advise;

BUT AT THIS TIME, GIVEN THE URGENCY AND BY WAY OF ADVANCE

We find that the judgment of September 17, 2004 No. has not yet been confirmed by the Congolese jurisdictions;

We find that said judgment has never been served upon the Congolese State;

CONSEQUENTLY;

We order NOMECO to deliver without delay to any operator that the SNPC designates all quantities of hydrocarbons that belong to it and in NOMECO's possession pursuant to their partnership contract;

We order the immediate execution of this order notwithstanding any appeals;

The costs shall be paid by NOMECO.

[stamp: EXECUTION COPY
Certified True Copy
Joachim Mitolo, Attorney at Law
B.P. 1384 [Tel. 94 83 28] [signature]

[illegible signature]

[seal: POINTE-NOIRE COURT OF FIRST INSTANCE]

And, we have signed this Order with the Registrar.
The signatures of the Presiding Judge and the Registrar follow.
The recording follows.
Recorded in Pointe-Noire on December 28, 2004
Certified true execution copy, checked against the original
Pointe-Noire, December 28, 2004
Chief Registrar

In consequence thereof: the Republic of the Congo orders its registrars,
based upon this application, to execute said judgment with the Attorneys
General and Prosecuting Attorneys of the Appeals Courts and Courts of
First Instance to assist all commanders and law enforcement agencies to
lend a hand when they are required by law to do so.

In witness whereof, this execution copy has been signed and sealed by the Head Registrar
of the Pointe-Noire Court of First Instance and delivered by him in the form of an
execution copy.

[signed]

By the Court
Document Checked against the Original
The Head Registrar

R. Koud-Okouo, Attorney
Head Registrar